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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,390	02/04/2004	Catherine L. Gifford	63616.000002	2751
7590 09/08/2005				
CATHERINE L. GIFFORD 1049 LUSH HILLSIDE COURT HENDERSON, NV 89015		EXAMINER DOAN, ROBYN KIEU		
		ART UNIT PAPER NUMBER		
		3732		
DATE MAILED: 09/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/770,390	<b>Applicant(s)</b> GIFFORD, CATHERINE L.	
	<b>Examiner</b> Robyn Doan	<b>Art Unit</b> 3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's Amendment filed 06/20/05 has been entered and carefully considered. Claims 1, 4-11, 13-18 have been amended. Claims 12 and 19 have been canceled. Limitations of amended claims have not been found to be patentable over prior art of record, therefore, claims 1-11, 13-18 are rejected under the same ground rejections as set forth in the office action mailed 03/18/2005.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-11, 13-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites an enlarged palm area that includes "extra material, creating a loose-fitting forehand and backhand area"; claim 4 including "a webbed, loose-fitting glove", "cupping" the glove. These new subject matters were not described in the specification at the time the application was filed.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-5, 7-9 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ramm et al (5826595).

With regard to claims 4-5 and 7, Ramm et al discloses a method of styling a person's hair with a glove (figs. 1-3) comprising the steps of wearing an absorbent glove (10) on a person's hand, using the glove to manipulate wet hair on the person's head (fig. 2), absorbing moisture from the wet hair into the glove while the glove is being used to manipulate the wet hair (col. 2, lines 5-10) and applying hot air (12) to the wet hair to dry while the glove is being used to manipulate the wet hair (col. 2, lines 11-17). In regard to claims 8, 13, Ramm et al also discloses a step of manipulating the wet hair to produce curls in hair (col. 2, lines 30-32) and in regard to claims 9, 14-16, Ramm et al further includes the step of closing the fist of the hand wearing the glove around the wet hair to curl the wet hair into curls (col. 2, lines 25-32).

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 10 and 11, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramm et al in view of Tsujino et al (6863883).

With regard to claims 6, 10 and 11, 17-18, Ramm et al discloses a discloses a method of styling hair using a glove comprising all the claimed limitations in claim 7 as discussed above except for the steps of applying a fixing agent to the hair to retain the curls and curving the wet hair around an upper portion of the finger of the glove to produce a bend in the hair. Tsujino et al discloses a method for styling hair comprising the step of applying a fixing agent to the hair to retain the curls (col. 14, lines 60-62). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the step fo applying the fixing agent as taught by Tsujino et al into the method of styling hair of Ramm et al for the purpose of retaining the curls and it would also have been an obvious matter of choice to use to glove as taught by Ramm et al to curve the wet hair around an upper portion of the finger of the glove to produce a bend in the hair since it is well known in the art to curve the hair around a finger of a user to produce curls or a bend in the hair.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramm et al in view of Kuwahara (4843652).

With regard to claim 1, Ramm et al discloses an absorbent glove (fig. 1, 10) comprising a forehand area, a backhand area, a plurality of fingers, at least a portion of the glove having an outer layer of absorbent material (col. 1, lines 57-58) and another layer of impermeable material (waterproof, col. 1, lines 60-63). Ramm et al does not disclose an inner layer of insulated material and the size of at least some of the plurality of fingers to be substantially shorter than the user's fingers, the size of the middle finger whose length is between  $1\frac{3}{4}$  to  $2\frac{3}{4}$  inches and an enlarged palm area that extends to mid upper length of each finger creating a loose-fitting webbed-like appearance.

Kuwahara discloses a towel glove (figs. 1-3) comprising an insulated material (foam, abstract). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the insulated layer as taught by Kuwahara into the glove of Ramm et al for the purpose of preventing moisture from the absorbent layer. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to construct the size of at least some of the plurality of fingers to be substantially shorter than the user's fingers, the size of the middle finger whose length is between  $1\frac{3}{4}$  to  $2\frac{3}{4}$  inches and an enlarged palm area that extends to mid upper length of each finger creating a loose-fitting webbed-like appearance, since such a modification would have involved a mere change in the size of the component.

Applicant has argued that the glove of Ramm et al is a form fitting glove, whereas the glove of the invention is a loose-fitting glove, however, as indicated above, the change in size of a component is an obvious matter of design choice and also, the glove

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of Ramm et al can be a loose-fitting glove depending on the hand's size of each user. Applicant has also argued that the main purpose of the glove is to cup, however, such step was not described in the original disclosure, therefore the argument is irrelevant.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

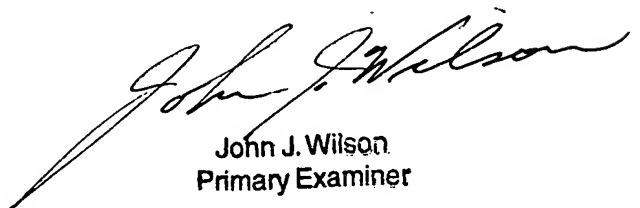
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Doan whose telephone number is (571) 272-4711. The examiner can normally be reached on Mon-Fri 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robyn Doan  
September 5, 2005



John J. Wilson  
Primary Examiner